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FILED
MAR -8 P 2:23

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Attorney for Methven & Associates Professional Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDL

METHVEN & ASSOCIATES PROFESSIONAL CORPORATION,

Plaintiff in Interpleader,

v.

SCARLETT PARADIES-STROUD as administrator of the ESTATE OF ANDREW B. STROUD; ANDY STROUD, INC.; STROUD PRODUCTIONS AND ENTERPRISES, INC., LISA SIMONE KELLY as administrator of the ESTATE OF NINA SIMONE; WALLY ROKER d/b/a ICU ENT. DIST. d/b/a WALLY ROKER MUSIC; STEVEN AMES BROWN; CASTLE ROCK ENTERTAINMENT; WARNER BROS. ENTERTAINMENT, INC.; WARNER BROS. INDEPENDENT PICTURES; SONY MUSIC ENTERTAINMENT, INC.

Defendants in Interpleader

CV No. 13 1079

COMPLAINT FOR INTERPLEADER AND MOTION FOR LEAVE TO DEPOSIT PROPERTY WITH THE COURT

Judge: The Hon. Jeffrey S. White
Courtroom: 11, 19th Floor

Pursuant to 28 U.S.C. §1335, Plaintiff In Interpleader Methven & Associates Professional Corporation ("Plaintiff") hereby files its Complaint in Interpleader against SCARLETT PARADIES-STROUD as administrator of the ESTATE OF ANDREW B. STROUD; ANDY STROUD, INC.; STROUD PRODUCTIONS AND ENTERPRISES, INC., LISA SIMONE KELLY as administrator of the ESTATE OF NINA SIMONE; WALLY ROKER d/b/a ICU ENT. DIST. d/b/a WALLY ROKER MUSIC; STEVEN AMES BROWN; CASTLE ROCK ENTERTAINMENT; WARNER BROS. ENTERTAINMENT, INC.; WARNER BROS. INDEPENDENT PICTURES; SONY MUSIC ENTERTAINMENT, INC.

Plaintiff hereby alleges the following:

PARTIES

1. Plaintiff METHVEN & ASSOCIATES PROFESSIONAL CORPORATION is a professional corporation engaged in the practice of law and duly organized and existing under the laws of the State of California. Plaintiff provided legal services to Andrew B. Stroud, now deceased, in connection with various disputes over the rights to property, namely the works of Nina Simone.
2. Upon information and belief, Defendant SCARLETT PARADIES-STROUD, an individual residing in New York, had been named the administrator of the ANDREW B. STROUD's estate by the State of New York, Bronx County Surrogate's Court. These claims are asserted against Ms. PARADIES-STROUD in her capacity as the administrator of the Estate of ANDREW B. STROUD.
3. Upon information and belief, Defendant ANDY STROUD, INC. was a corporation organized under the laws of the State of New York with its principal place of business was New York. Owned and operated by Andrew B. Stroud, the corporation was dissolved in 2012.
4. Upon information and belief, Defendant STROUD PRODUCTIONS AND ENTERPRISES, INC. was a corporation organized under the laws of the State of New York with its principal place of business in New York. Owned and operated by Andrew B. Stroud, the corporation was dissolved in 1981.
5. Upon information and belief, Defendant LISA SIMONE KELLY, an individual residing in Pennsylvania, has been named the administrator of NINA SIMONE's estate by the Superior Court of California for the County of Los Angeles. These claims are asserted against Ms. Kelly in her capacity as the administrator of the ESTATE OF NINA

SIMONE.

6. Upon information and belief, Defendant WALLY ROKER d/b/a ICU ENT. DIST. d/b/a WALLY ROKER MUSIC is an individual residing in California. ICU ENT. DIST. and WALLY ROKER MUSIC are business designees owned and operated by Wally Roker with principal places of business in California.
7. Upon information and belief, Defendant STEVEN AMES BROWN is an individual residing in San Francisco, California.
8. Upon information and belief, Defendant CASTLE ROCK ENTERTAINMENT, is a corporation organized and existing under the laws of the State of Georgia with principal place of business in New York.
9. Upon information and belief, Defendant WARNER BROS. ENTERTAINMENT, INC. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in New York.
10. Upon information and belief, Defendant WARNER BROS. INDEPENDENT PICTURES is a subsidiary of WARNER BROS. ENTERTAINMENT, INC.
11. Upon information and belief, Defendant SONY MUSIC ENTERTAINMENT, INC is a subsidiary of Sony Corporation of America, a corporation organized and existing under the laws of the State of New York with its principal place of business in New York.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§1332 and 1335. The Defendants have claimed or may claim to be entitled to property in possession of the Plaintiff. At least two of the adverse claimants are of diverse citizenship.

1 13. The value of the property at issue exceeds \$500. The property at issue, inventoried in
2 **Attachment A**, which is incorporated by this reference, includes original audio and
3 video recordings of Nina Simone, a well-known and highly-regarded deceased jazz
4 singer ("the Property").

5 14. Pursuant to 28 U.S.C. §1397, the District of Northern California is the proper venue for
6 this action because at least one of the claimants resides within the district. Defendant
7 STEVEN AMES BROWN resides in San Francisco, California.
8

9
10 **FACTS**

11 15. Andrew Stroud was married to Nina Simone, and, at one time, acted as her manager.

12 Andrew Stroud obtained various audio and video recordings in his capacity as her
13 husband and manager, and as gifts from her, and as part of a marital settlement
14 agreement.
15

16 16. Plaintiff METHVEN & ASSOCIATES PROFESSIONAL CORPORATION was
17 retained by Andrew B. Stroud in April 2010 to represent him in two disputes in the
18 United States District Court, Northern District of California over the rights to various
19 works of Nina Simone.

20 17. Upon information and belief, the following cases allege ownership in property rights to
21 Nina Simone's works:

- 22 a. *Estate of Nina Simone*, Superior Court of California for the County of Los
23 Angeles, Probate Court, Case No. BP-079-597
24 b. *Brown v. Stroud et al.*, United States District Court, District of Northern
25 California, Case No. 08-CV-02348 JSW (DMR)
26 c. *Stroud Productions and Enterprises, Inc. et al. v. Castle Rock Entertainment Inc.*
27 *et al.*, United States District Court, District of Northern California, Case No. 09 –
28 CV-03796 JSW

1 d. *Kelly v. Roker et al.*, United States District Court, District of Northern California,
Case No. 11-CV-05822 JSW

2 e. *Estate Of Andrew B. Stroud*, State of New York, Bronx County Surrogate's
3 Court, File Number: 1964-2012

4
5 18. The above listed cases and are sub judice and involve various claims and counterclaims
6 made by and against the Defendants, all of which relate to the ownership of Nina
7 Simone's works.

8 19. During the course of Plaintiff's representation, Andrew Stroud shipped the Property to
9 Plaintiff's office so that Plaintiff could produce the items as discovery in the District of
10 Northern California cases.

11 20. Andrew Stroud died July 14, 2012. Andrew Stroud had never reclaimed the Property,
12 leaving it in Plaintiff's possession.

13 21. Plaintiff has been subject to numerous demands by Defendants related to the disposition
14 of the Property.
15

16
17 **CAUSE OF ACTION FOR INTERPLEADER**

18 22. Each of the Defendants has made claim or may make claims to ownership of Nina
19 Simone's works, including the Property held by Plaintiff. By reason of these conflicting
20 claims and the unresolved cases alleging rights in the Property, Plaintiff is unable to
21 ascertain which of the Defendants are entitled to the Property.
22

23 23. Due to the competing claims and demands, Plaintiff is exposed to the risk of liability and
24 multiple pieces of litigation by Defendants for recovery of the Property.

25 24. Without this action, Plaintiff has no way of ascertaining how to properly dispose of the
26 Property.
27

28 25. Wherefore Plaintiff respectfully prays for judgment as follows:

- a. That none of the Defendants is entitled to recover from Plaintiff the Property or any part thereof.
- b. That each Defendant be restrained from instituting or further prosecuting any actions against Plaintiff for the recovery of the Property.
- c. That the Court enter an order pursuant to Rule 67, Federal Rules of Civil Procedure permitting Plaintiff to deposit the Property with the Court.
- d. That Defendants be required to interplead and settle between themselves their rights to the Property and that, upon deposit of the Property with the Court, Plaintiff be discharged from any further participation in this proceeding.
- e. For such other and further relief as this Court deems reasonable and just under the circumstances.

Dated: 3-7-13

METHVEN & ASSOCIATES
PROFESSIONAL CORPORATION

By: Bruce E. Methven
Bruce E. Methven
Attorney for Plaintiff

Attachment A

Inventory of Property in Plaintiff's Possession

Item	Label	Identifying Characteristics/Tracks
1	Box 10	Spring is Here Near to You Since My Love is Gone Blue Prelude
2	Box 16	Lonesome Mountain Fine & Mellow Church Jazz (instrum)
3	Box 17	Intro – Porgy Playboy Award Give me my Gin Wild is the Wind Brown Baby
4	Box 18	Just in Time Nobody Wants You Ding Song
5	Box 19	Its Alright With Me Porgy #1 I Love to Love
6	Box 26	Strange Fruit Pig Foot Tell Me More Porgy Fine and Mellow
7	Box 27	Love me or Leave me Don't Explain
8	Box 28	Sweetened Tell Me More This Year's Kisses Strange Fruit
9	Box 29	Be my Husband Mississippi
10	Box 34	Aint Got No/ I got Life For Women No Opportunity Necessary Backlash Assignment Song
11	Box 35	One More Sunday in Savannah I'll Look Around Nina's Blues When I was in My Prime Zungo

12	Box 49	Gal From Joe's You Belong to Me Sugar in My Bowl I Got it Bad	
13	Box 60	Interview @ Village Gate (NS & Piano)	
14	Box 64	Peace of Mind Drums & Bass Vocal	
15	Box 80	Interview: Del Shields (NYC)	
16	Box 81	Post UCLA KCSB – NS Interviews Broadcasts Interview KCSB Promo Clip	
17	Box 34	Aint got No/ I got life For Women No Opportunity Necessary Backlash Assignment Song	
18	Box 35	One More Sunday in Savannah I'll Look Around Nina's Blues When I was in My Prime Zungo	
19	Box 59	Interview /Dick Hubert (15:52)	
20	Box 83	Misunderstood	
21	Great Performances College Concerts & Interviews Soundtrack CD	Revolutions Compensations Black is the Color (Simone) Black is the Color (Latimer)	
22	Gimmie a Pigfoot and a Bottle of Beer CD	File Copy	
23	Gospel According to Nina Simone CD	Anytime, Anywhere	
24	Stroud File CD	In the Morning Anytime, Anywhere You Can't Hide	
25	Nina Simone Concert Recording Volume 5 CD	Concert in Frances Chalter	
26	Montreux Jazz Festival Soundtrack CD	Intro The Devil's Workshop Just in Time When I was A Young Girl Backlash	House of the Rising Sun See-Line Woman Please Read me Ain't Got No Life Give Me My Gin
27	Montreux Jazz Festival DVD	June 1968	

28	Nina Simone Revolution DVD	© Andrew Stroud
29	Great Performances Live College	NTSC 61 VHS
30	Great Performances Live College	TRT 61
31	Debruin CD 1	Songs 1-15
32	Debruin CD 2	Songs 16-30
33	Debruin CD 3	Songs 31-45
34	Debruin CD 4	Songs 46-58
35	Debruin CD 5	Songs 59-74
36	Debruin CD 6	Songs 75- 88
37	Debruin CD 7	Songs 89-104
38	Debruin CD 8	Songs 105-121
39	Debruin CD 9	Songs 122-141
40	Debruin CD 10	Songs 141-145
41	Debruin II CD 1	Songs 1-10
42	Debruin II CD 2	Songs 11-20
43	Debruin II CD 3	Songs 21-30
44	Debruin II CD 4	Songs 31-40
45	Debruin II CD 5	Songs 41-50
46	Debruin II CD 6	Songs 51-60
47	Debruin II CD 7	Songs 61-70